

137 FERC ¶ 61,018  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
and Cheryl A. LaFleu.

Louisiana Public Service Commission and the Council of the City of New Orleans v. Entergy Corporation      Docket No. EL00-66-017

Louisiana Public Service Commission v. Entergy Services, Inc.      Docket No. EL95-33-011

ORDER ESTABLISHING PAPER HEARING

(Issued October 6, 2011)

1. In an order issued in this proceeding on June 9, 2011, *Louisiana Public Service Commission and the Council of the City of New Orleans v. Energy Corporation*, 135 FERC ¶ 61,218 (2011) (June 2011 Order), the Commission issued an order denying rehearing in part, and granting rehearing in part. The Commission found that, while the Commission has authority to grant refunds under the circumstances presented in this case, the better course would be to invoke our equitable discretion to deny them. In response to the June 2011 Order, the Louisiana Public Service Commission (Louisiana Commission) filed an additional request for rehearing, challenging our finding that no refunds are warranted under the circumstances of this case.

2. Louisiana Commission argued that the Commission erred in its distinction between instances where a company collected excessive revenues, where refunds would be appropriate, and instances where the company collected the proper amount of revenues, but erred in allocating them to a particular customer class or operating unit, where refunds would not be appropriate. Louisiana Commission argued that, in some past cases, the Commission had, in fact, ordered refunds under these circumstances and that Commission precedent calls for refunds in this situation.

3. Before deciding on the merits of the refund argument that Louisiana Commission advanced in its request for rehearing, the Commission is setting this matter for a paper hearing. Thus, we invite the parties that oppose refunds to file briefs, no later than 30 days of the date of issuance of this order, addressing whether, as argued by Louisiana Commission in its rehearing request, Commission precedent supports refunds under the

circumstances present in this proceeding. Parties that favor refunds may file reply briefs, no later than 21 days from the date initial briefs are due. Neither initial briefs nor reply briefs should exceed 30 pages.

The Commission orders:

The parties that oppose refunds may submit initial briefs on the refund issue raised by Louisiana Commission in its rehearing request no later than 30 days from the date of issuance of this order, as discussed herein. The parties that favor refunds may submit reply briefs no later than 21 days from the due date for initial briefs.

By the Commission. Commissioner Spitzer is not participating.

( S E A L )

Kimberly D. Bose,  
Secretary.